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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,897	02/06/2004	Duncan Kerr	APL1P215X1/P2698X1US	8598
62464	7590	02/24/2009		
BEYER LAW GROUP LLP/APPLE INC. P.O. BOX 1687 CUPERTINO, CA 95015-1687			EXAMINER TON, ANABEL	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 02/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,897	Applicant(s) KERR ET AL.	
	Examiner ANABEL M. TON	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 37-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51-55 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7,37-40,42,45-47,49,50 and 56-59 is/are rejected.
- 7) ☒ Claim(s) 6,41,43,44,48 and 60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/09/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-4, 7, 37-40, 42, 45-47, 49, 50, 56-59 are rejected under 35

U.S.C. 102(e) as being anticipated by Dowling et al (7,248,239).

- Dowling discloses a housing, the housing having (220)an outer surface at least a portion of which is illuminable by light (202a-g)transmitted through a translucent inner portion (col.3 lines 38-41)of the housing that transmits light without permitting objects disposed behind it from being seen,(the translucent material suggests that items/objects located behind the material will not be seen)_wherein the housing encloses at least various internal components associated with the operation of the computing device; and an indicator assembly(204), wherein the indicator assembly indicates at least events associated with the computing device and produces at least a shaped indicator image at a specific small region of the illuminable portion of the outer surface of the housing when activated(summary of invention, col. 3 lines 38-64, col. 4 lines 25-27, col. 5 lines 13-21)) and eliminates the indicator image from the outer surface of the housing

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when deactivated, and wherein the indicator assembly is not visible from outside the outer surface of the housing at least when deactivated (inherent), the indicator assembly including at least one light source capable of emitting light, and a light guide that directs light emitted from the at least one light source so as to illuminate a small region of an inner surface of the housing adjacent the specific small region of the outer surface of the housing in order to create the shaped indicator image at the specific small region of the outer surface of the housing, the area of the shaped indicator image being substantially smaller than the area of the extended surface (claims 25-26, col. 6 lines 1-26).

- The light source includes an LED or a group of LEDs.
- Wherein the light source includes a red, green, blue and white LED, the colored LEDs performing color mixing in order to affect the color of the indicator image.
- With regards to the limitation “the light guide includes a light pipe for directing light to the part of the housing desired to be illuminated”, the structure of the housing as recited in (col. 3 lines 46-51) is considered to satisfy the limitation of light pipe since it performs the desired function of a light pipe.
- a housing component that forms an extended outer surface of a housing of the computing device, the housing component having an outer surface at least a portion of which is illuminable by light transmitted through a translucent inner portion of the housing component that transmits light without permitting objects disposed behind it from being seen; and an indicator that alerts a user to a particular status of the computing device, the indicator including a light source

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and a light guide both of which are hidden from view from outside the housing and disposed inside the housing of the computing device, the light source when activated emits light into the light guide, the light guide directs the light emitted from the light source so as to illuminate a small region of the inner surface of the housing component in order to create a shaped indicator image at a specific small region of the illuminable portion of the outer surface of the housing component adjacent the small region of the inner surface, the area of the shaped indicator image being substantially smaller than the area of the extended outer surface of the housing(claims 1,4,5,6,10, 25)

- Wherein the extended surface forms substantially the entire front surface of the housing of the computing device (200).
- Only the specific small region of the outer surface of the housing component is capable of being illuminated when light is made incident on an inner surface of the housing component (claim 25).
- a housing that serves to surround internal components associated with the operation of the computing device at a peripheral region thereof so as to cover and protect the internal components from adverse conditions and an indicator disposed internal of the housing and configured to illuminate a specific small portion of an external surface of the housing to form a shaped indicator image associated with an event of the computing device, the indicator image appearing on the external surface of the housing when the indicator is on, the indicator image disappearing from the external surface of the housing when the indicator

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is off, wherein the indicator image is only formed at the external surface of the housing when the indicator is turned on, wherein only the housing is visible and there is no trace of the indicator on the external surface of the housing when the indicator is off, and wherein the indicator does not form substantial breaks, lines, pits, and protrusions in the external surface of the housing (200, claims 1,4,5,6,10, 25).

- Wherein the light source is a remote light source.

Allowable Subject Matter

3. Claims 51-55 are allowed.
4. Claims 6,41,43,44,48,60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 39 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al.

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Dowling discloses the claimed invention except for the recitation that the indicator image is a circle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the indicator image(s) of Dowling into a circle shape, since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). It appears that the disclosed device would perform equally well shaped as disclosed by Dowling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANABEL M. TON whose telephone number is (571)272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anabel M Ton
Examiner
Art Unit 2875

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Examiner, Art Unit 2875